



Reprinted
March 1, 2005

HOUSE BILL No. 1780

DIGEST OF HB 1780 (Updated February 28, 2005 10:07 pm - DI 77)

Citations Affected: IC 14-22; IC 15-4; IC 15-5; noncode.

Synopsis: Deer operations and marketing. Allows white tailed deer meat and products to be sold. Adds privately owned cervidae to the commodity market development program. Establishes a registration program for cervidae livestock operations within the board of animal health. Exempts accredited zoos and certain federally regulated operations. Provides that privately owned cervidae are the property of the owner. Allows privately owned cervidae meat and products to be sold. Establishes operational standards for cervidae livestock operations. Establishes fees for registration of an operation. Establishes penalties for violations.

Effective: Upon passage; July 1, 2005.

Friend, Gutwein, Hoffman

January 19, 2005, read first time and referred to Committee on Agriculture and Rural Development.
February 24, 2005, amended, reported — Do Pass.
February 28, 2005, read second time, amended, ordered engrossed.

C
o
p
y

HB 1780—LS 7736/DI 77+



Reprinted
March 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1780

A BILL FOR AN ACT to amend the Indiana Code concerning
agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-22-20-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A license issued
3 under this chapter authorizes the sale of nonmigratory game birds,
4 game mammals, or furbearing mammals for breeding purposes or for
5 release and nonmigratory game birds **and white tailed deer** for food
6 purposes. A person who:
7 (1) acquires a game bird, game mammal, or furbearing mammal
8 alive, legally in open season; or
9 (2) purchases the bird or mammal from a licensed game breeder;
10 may apply for a breeder's license within five (5) days after acquiring
11 the animal from the licensed game breeder or within five (5) days after
12 the last day of the open season for the animal. Otherwise, the animal
13 shall be released.
14 SECTION 2. IC 14-22-38-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person who:
16 (1) unlawfully takes or possesses a deer or wild turkey;
17 (2) takes or possesses a deer or wild turkey by illegal methods or

HB 1780—LS 7736/DI 77+



C
o
p
y

with illegal devices; or

(3) **except as provided in subsection (c)**, sells, offers to sell, purchases, or offers to purchase a deer or wild turkey or a part of a deer or wild turkey;

shall reimburse the state five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, meat and products derived from deer may be sold to the general public.

SECTION 3. IC 15-4-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

(a) "Agricultural commodity" means poultry, poultry products, cattle, dairy products, sheep, wool, mint, ~~or~~ soybeans, **or privately owned cervidae**.

(b) "Commercial quantity" means a quantity produced and marketed through commercial channels of trade.

(c) "Dean" means the dean of agriculture of Purdue University or ~~his~~ **the dean's** designee.

(d) "Commodity market development council" means a group representative of the commodity, referred to as the "council" in this chapter.

(e) "Handler" means any person who engages in the selling, marketing, or distribution of any agricultural commodity, which ~~he~~ **the person** has purchased for resale or which ~~he~~ **the person** is marketing on behalf of a producer, and shall include a producer who distributes any agricultural commodity which ~~he~~ **the producer** has produced.

(f) "Processor" means any person engaged in the receiving, grading, packing, canning, freezing, drying, or other methods of preparation for market of agricultural commodities produced in Indiana for sale.

(g) "Producer" means any individual, firm, limited liability company, corporation, partnership, or unincorporated association engaged within this state in the business of producing for market or receiving income from any agricultural commodity in commercial quantities.

SECTION 4. IC 15-4-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) If the director approves the petition, in whole or as revised, ~~he~~ **the director** shall call a referendum among producers of commercial quantities of the

C
O
P
Y



commodity to vote upon establishment of the proposed commodity market development program.

(b) Prior to the issuance of a notice of referendum on any proposed commodity market development program, the director shall establish the number of producers qualified of that particular agricultural commodity. The producers must register with the director and ~~he~~ **the director** shall maintain a list of those producers. A minimum of twenty percent (20%) of the producers must register before a referendum may be held. Any registration period for establishing, continuing, changing, or terminating a marketing program shall be established by the director after the director calls for a referendum. Postdating of a registration is unlawful and void. Such producer or handler lists shall be final and conclusive in making determinations relative to the assent of producers upon the issuance, amendment, or termination of a commodity market development program.

(c) The director shall publish a notice of referendum to the attention of producers in such newspapers or trade journals within the affected area as the director prescribes, and in addition, ~~he~~ may mail notice to all producers or handlers on ~~his~~ **the director's** current list of producers.

(d) If the majority of those who actually vote is in favor of the adoption of the proposal in the petition, the director shall declare the proposal to be adopted.

(e) A proposal to change the amount of the fee to be collected or to make other major changes may be made by a two-thirds (2/3) vote of the council or by petition of twenty-five percent (25%) of the commodity producers. The proposal shall then be submitted to referendum under which the same percentages by number and production shall be required for approval as were required for establishment of the original market development program.

(f) A proposal to terminate a commodity market development program may be made by a majority of the council or by petition of two percent (2%) of the commodity producers. The proposed termination shall be submitted to referendum under which a simple majority of those voting shall be required for termination.

(g) No referendum to set up a market development council in a particular commodity or to change the amount of fee or to make other major changes or to terminate a commodity market development council may be held within twelve (12) months of a referendum conducted for a similar purpose for the same commodity.

(h) A referendum on the continuation of the council shall be conducted at least once every three (3) years by the director.

(i) Registration for a referendum on the continuation or repeal of a

C
o
p
y



1 program shall be open to all eligible producers and not limited to those
2 registered for the initial referendum.

3 **(j) This section does not apply to the fee or participation of a**
4 **commodity market program for cervidae.**

5 SECTION 5. IC 15-4-3.5-6.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) The fee shall
7 be paid at the time the final producer places the agricultural commodity
8 in a commercial channel of trade. "Commercial channel of trade"
9 means that series of transactions leading directly from the final
10 producer of the agricultural commodity to the purchase of the
11 agricultural commodity by a processor.

12 **(b) The fee for privately owned cervidae shall be paid from**
13 **cervidae livestock facility fees.**

14 SECTION 6. IC 15-4-3.5-7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Any fee imposed
16 under the commodity market development program shall be collected
17 by the director from the producers or from the handlers or processors,
18 except:

19 (1) ninety-seven percent (97%) of the fee imposed under the
20 commodity market development program for cattle, dairy
21 products, or soybeans shall be collected by the director from the
22 producers or from the handlers or processors who may retain the
23 remaining three percent (3%) as compensation for collecting the
24 fee; **and**

25 **(2) the fee for privately owned cervidae shall be collected by**
26 **the commissioner of agriculture.**

27 (b) If any market development fee is unpaid on the date on which
28 the fee was due and payable, a penalty of one percent (1%) per month
29 shall apply from and after that date until payment plus the penalty is
30 received by the director. If, after due notice, any person defaults in any
31 payment of the fee or penalties thereon, the amount due shall be
32 collected by civil action in the name of the state of Indiana at the
33 request of the director, and the person adjudged in default shall pay the
34 costs of the action. The attorney general, at the request of the director,
35 and, if requested by the attorney general, the prosecuting attorney of
36 any county, in which a cause of action arose under the provisions for
37 the collection of fees due and unpaid, shall institute proper action in the
38 courts of this state for the collection of fees and penalties thereon due
39 and unpaid.

40 (c) All fees shall be paid to the director to be credited to the
41 "individual commodity council market development fund" which is
42 hereby created. All money credited to the commodity council market

C
o
p
y



development fund less administration expenses shall be expended by the director for the use and benefit of the commodity councils.

(d) At least annually, the director shall submit to the council a statement showing all receipts, administration expenses, refunds and the balance credited to the commodity council market development fund.

(e) Notwithstanding anything contained in this chapter to the contrary, there shall be collected no more than one (1) fee per commodity, under this chapter and under a federal program for promotion or market development.

SECTION 7. IC 15-5-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 19. Privately Owned Cervidae Producers Marketing Act

Sec. 1. This chapter may be cited as the "privately owned cervidae producers marketing act".

Sec. 2. This chapter does not apply to the following:

- (1) A zoo accredited by the American Zoo and Aquarium Association or by another accrediting organization approved by the department.
- (2) A research facility or a circus that is licensed or registered by the United States Department of Agriculture under the federal Animal Welfare Act of 1970, as amended (7 U.S.C. 2131 et seq).

Sec. 3. The following definitions apply throughout the chapter:

- (1) "Biosecurity" means measures, actions, or precautions taken to prevent the transmission of disease between free ranging and privately owned cervidae.
- (2) "Board" means the Indiana state board of animal health established by IC 15-2.1-3-1.
- (3) "Business plan" means a written document that defines the methods, protocols, or procedures that the person intends on implementing.
- (4) "Cervidae livestock facility" means a privately owned cervidae livestock operation on private land capable of holding cervidae.
- (5) "Cervidae livestock operation" means a registered operation that contains at least one (1) privately owned cervidae and that involves the producing, growing, propagating, using, humanely slaughtering in a manner that complies with 9 CFR Part 313, IC 15-2.1-24, and 345 IAC 9-1,

C
o
p
y



transporting, exporting, importing, or marketing of cervidae or cervidae products.

(6) "Cervidae products" means products, coproducts, or byproducts of cervidae, including antler, antler velvet, meat, or any part of the animal.

(7) "Cervidae" means privately owned members of the cervidae family including deer, elk, moose, reindeer, and caribou.

(8) "Department" refers to the Indiana office of the commissioner of agriculture.

(9) "Commissioner" refers to the commissioner of the department or the commissioner's designee.

(10) "Farm operation" means a farm operation (as defined in IC 8-23-17-5).

(11) "Flush" means to move or chase wild cervidae from a cervidae livestock facility.

(12) "Identify" means a documentable system or process that allows a person to recognize as separate or different an individual animal, as adopted by the board.

(13) "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.

(14) "Owner" means the person who owns or is responsible for a cervidae livestock operation.

(15) "Person" means an individual, a corporation, a limited liability corporation, a partnership, an association, a joint venture, or another legal entity.

(16) "Release" means to cause an animal to become located outside the perimeter fence of a cervidae livestock facility and not under the direct control of the owner.

(17) "Wild cervidae" means a cervidae that is not located on a cervidae livestock facility after all free ranging cervidae have been flushed from the facility.

Sec. 4. (a) A cervidae livestock operation is a farm operation and is considered to be part of the farming and agricultural industry of Indiana. The board shall assure that cervidae livestock operations are afforded all rights, privileges, opportunities, and responsibilities of other farm operations.

(b) Cervidae livestock operations are a form of agriculture. Cervidae livestock facilities and their equipment are considered to be agricultural facilities and equipment. Uses related to the farming operation of cervidae are considered agricultural uses.

(c) Cervidae and cervidae products legally produced, purchased,

C
o
p
y



possessed, or acquired within Indiana or imported into Indiana are the exclusive and private property of the owner.

(d) This chapter does not give a cervidae livestock operation authority to take wild cervidae, unless a permit is issued by the department of natural resources.

(e) Any movement, importing, or exporting of cervidae or cervidae products must comply with this chapter and rules adopted by the board.

(f) Meat and products derived from privately owned cervidae may be sold to the general public, subject to IC 15-2.1-24.

(g) Subject to this chapter, a cervidae livestock facility may produce, grow, propagate, use, humanely slaughter in a manner that complies with 9 CFR Part 313, IC 15-2.1-24, and 345 IAC 9-1, transport, export, import, or market cervidae or cervidae products.

(h) The sale of cervidae products must comply with public health laws.

Sec. 5. (a) A person may not operate a cervidae livestock operation unless the person obtains from the board a cervidae livestock facility registration. A cervidae livestock facility that is regulated by another governmental agency is not exempt from requirements of this chapter.

(b) An owner shall:

(1) keep and maintain records of production, purchases, or imports in order to establish proof of ownership;

(2) keep any other records required under standards under section 6 of this chapter; and

(3) when transporting cervidae, produce the following documentation:

(A) The origin of the shipment.

(B) Copies of registration or permits.

(C) The shipping destination.

(D) Any other proof required by the board or a law enforcement officer.

(c) Subject to subsection (d), a cervidae livestock facility in existence before May 15, 2005, is required to obtain a registration under this chapter not later than January 1, 2006, to continue engaging in a cervidae livestock operation.

(d) A person who keeps one (1) or more deer and is not registered under this chapter must obtain a breeder's license issued under IC 14-22-20. A cervidae livestock operation may not also hold a breeder's license.

**C
o
p
y**



(e) A person who maintains one (1) or more white tailed deer must obtain a breeder's license issued under IC 14-22-20.

Sec. 6. (a) A completed initial application for registration must be submitted to the board not less than sixty days (60) before the construction of the cervidae livestock facility. The department shall adopt standards to evaluate the issuance, maintenance, modification, and renewal of a registration issued under this chapter. In addition, the board shall adopt standards with respect to facilities, records, recovery protocol for any animals that become released, oversight responsibilities, and reporting. These standards must be published in a document entitled "Operational Standards for Registered Privately Owned Cervidae Facilities", which the board shall make available electronically on the board's web site. The board, after consultation with the department of natural resources, may adopt rules to amend, update, or supplement the standards adopted in this subsection.

(b) As part of the registration application, the applicant shall submit a business plan that complies with the standards under this section and includes the following:

(1) The complete address of the proposed cervidae livestock facility and the size, the location, and a legal description of the lands on which the cervidae livestock operation will be conducted.

(2) The estimated number of cervidae species included in the proposed facility.

(3) Biosecurity measures to be used, including methods of fencing and appropriate animal identification, as required by the board.

(4) The proposed method of flushing wild cervidae from the enclosure, if applicable.

(5) The proposed record keeping system.

(6) The method of verification that wild cervidae have been removed.

(7) Any other information considered necessary by the board.

(c) Upon receipt of an application, the board shall forward a copy to the department of natural resources.

(d) The board may not issue an initial cervidae livestock facility registration or modification unless the application demonstrates all the following:

(1) The cervidae livestock facility has been inspected by the board and the board has determined that the cervidae livestock facility:

C
o
p
y



- (A) meets the applicable standards and requirements;
- (B) complies with the business plan; and
- (C) determines that there are barriers in place to prevent the escape of cervidae and prevent the entry of wild cervidae.

In the case of whitetail deer, elk, red deer, moose, and mule deer, a perimeter fence must be at least ten (10) feet high. In the case of sika deer, fallow deer, reindeer, and caribou, a perimeter fence must be at least six (6) feet high.

- (2) Individual animals are appropriately identified, as required by the board.

(e) Upon receipt of a denial under this section, the applicant may submit a written request for an informal board review. The board shall provide the requested informal board review of the application. The review must include the applicant, the board, and the department of natural resources. After the informal board review, if the board determines that the proposed cervidae livestock facility or cervidae livestock operation:

- (1) complies with the requirements of this chapter, the board shall issue a registration within thirty (30) days after the applicant notifies the board of completion of the facility; or
- (2) does not comply with the requirements of this chapter, the board shall affirm the denial of the application in writing and specify the deficiencies needed to be addressed or corrected in order for a registration to be issued.

(f) The applicant may waive the informal board review in the application.

Sec. 7. (a) When the construction of the cervidae livestock facility is completed, the applicant shall notify the board in writing. Within thirty (30) days after notification of the completion of the cervidae livestock facility, the board shall inspect the cervidae livestock facility. The board shall issue a registration within thirty (30) days after completion of the inspection to a cervidae livestock facility that conforms to standards under this chapter. The time periods described in this subsection may be extended by the board only if the board is unable to verify the removal of wild cervidae or for an act of nature.

(b) The board shall deny the application for registration if the proposed cervidae livestock facility does not comply with the requirements of this chapter. The board shall notify in writing an applicant of the reasons for a registration denial within sixty (60) days after receipt of the completed application. The notice must

**C
O
P
Y**



1 specify in writing the deficiencies to be corrected in order for a
2 registration to be issued.

3 (c) Without filing a second application under this section, an
4 applicant may request a second inspection after the specified
5 deficiencies have been corrected. The board is not required to
6 make more than two (2) preregistration inspections of the same
7 proposed cervidae livestock facility per application.

8 (d) Upon receipt of a second denial under this section, the
9 applicant may submit a written request for an informal board
10 review. The board shall provide the requested informal board
11 review of the application. The review must include the applicant,
12 the board, and the department of natural resources. After the
13 informal board review, if the board determines that the proposed
14 cervidae livestock facility or cervidae livestock operation:

- 15 (1) complies with the requirements of this chapter, the board
16 shall issue a registration within thirty (30) days after the
17 applicant notifies the board of completion of the facility; or
- 18 (2) does not comply with this chapter, the board shall affirm
19 the denial of the application in writing and specify the
20 deficiencies needed to be addressed or corrected in order for
21 a registration to be issued.

22 The applicant may waive the informal board review of the
23 application.

24 (e) The applicant may request an administrative hearing under
25 IC 4-21.5 concerning a denial of registration or upon any
26 limitations placed on a registration.

27 (f) Application fees under this chapter are not refundable.

28 Sec. 8. (a) A registration issued by the board must contain the
29 following information:

- 30 (1) The registration number and expiration date.
- 31 (2) The cervidae species involved in the cervidae livestock
32 facility.
- 33 (3) The complete name of the applicant, business name,
34 business address, and telephone number of the cervidae
35 livestock facility.
- 36 (4) The complete address of the cervidae livestock facility
37 location.
- 38 (5) The complete name, address, and telephone number of the
39 board contact person regarding cervidae livestock operations.

40 (b) The board shall issue to a person meeting the requirements
41 of this chapter a registration to operate a cervidae livestock
42 facility.

**C
o
p
y**



(c) The board shall, subject to rules, charge five hundred dollars (\$500) for initial and renewal applications for the registration of cervidae livestock facilities. The board may adopt rules to establish the application and renewal fees for a cervidae livestock facilities. However, the fees may not be increased by a rate of more than five percent (5%) per calendar year.

(d) The proceeds from the application fees must be distributed in the following manner:

(1) To the board, seventy-five percent (75%) to be used to promote cervidae and administer this chapter.

(2) To the department of agriculture, twenty percent (20%) to be deposited in the livestock promotion fund to be used to promote cervidae and administer this chapter.

(3) To the department of natural resources, five percent (5%) to be deposited in the conservation officers fish and wildlife fund (IC 14-9-8-21).

(e) The board shall send to a cervidae livestock facility owner a renewal application sixty (60) days before the expiration of the registration.

(f) An application for registration renewal must be submitted not later than thirty (30) days before expiration of the current registration. Each registration issued is valid for three (3) years after the date of issuance.

(g) A renewal submitted later than thirty (30) days before expiration of the current registration requires submission of an initial application. If the board fails to process a complete renewal application that was submitted on time, the current registration is valid until the board processes the renewal application.

(h) A new owner of a cervidae livestock facility must notify the board in writing of the change in ownership. If a cervidae livestock facility's registration will expire within six (6) months from the date that the board is notified, the new owner must apply for a new registration.

Sec. 9. A registered cervidae livestock facility shall apply for a modification of the cervidae livestock facility registration before making any change to the facility that would lead to a change in the registration classification or a dramatic change in the business plan. The board shall provide the modification application to the applicant and make the application form available on the board's web site.

Sec. 10. (a) The board shall enter into a memorandum of understanding with the department of natural resources for

**C
o
p
y**



determining compliance by persons engaged in cervidae livestock operations, applicants, and registered cervidae livestock facilities with this chapter and investigation of violations of this chapter.

(b) Subject to subsection (a), the board shall obtain written confirmation from the department of natural resources that:

- (1) the department of natural resources has approved the method used to flush any wild cervidae from the facility; and
- (2) all wild cervidae have actually been flushed before issuing any registration under this chapter.

(c) The board is responsible for investigating violations of this chapter.

Sec. 11. Any wild cervidae remaining in the cervidae livestock facility after a person has flushed wild cervidae under a method approved under subsection (b)(1) must be killed or tranquilized and removed by or under the authority of the department of natural resources. The facility owner shall pay the state one thousand five hundred dollars (\$1,500) per cervid that must be killed under the permit issued to meet the requirements of this section. The fees must be deposited in the fish and wildlife fund.

Sec. 12. (a) The board or an agent of the board shall have access at all reasonable hours to any cervidae livestock facility to:

- (1) inspect and determine compliance with this chapter; and
- (2) secure samples or specimens of any cervidae.

An inspection shall be conducted in a manner that does not jeopardize the health of the cervidae.

(b) The board may inspect a registered cervidae livestock facility to confirm that:

- (1) there are procedures or barriers designed to prevent the escape of cervidae;
- (2) all cervidae are accounted for; and
- (3) compliance is within the requirements in this chapter.

Sec. 13. A person may not:

- (1) knowingly provide the board with false information; or
- (2) resist, impede, or hinder the board's duties under this chapter.

Sec. 14. (a) After an opportunity for an administrative hearing, the board may deny, suspend, revoke, or limit a registration if the applicant or registrant fails to comply with this chapter or orders issued by the board as a result of an administrative action or informal board review conducted under this chapter.

(b) Except in the case of an informal board review, the board shall conduct an administrative proceeding under IC 4-21.5.

**C
O
P
Y**



1 Sec. 15. Except as provided in section 16 of this chapter, a
2 person who knowingly or intentionally violates this chapter
3 commits a Class B misdemeanor.

4 Sec. 16. (a) A person may not release or allow the release of any
5 cervidae from a cervidae livestock facility. An animal that escapes
6 from a facility is considered to be public property if the operator
7 of a cervidae livestock facility does not notify the board as required
8 by rules adopted under this chapter.

9 (b) A person may not cause the ingress of wild cervidae into a
10 cervidae livestock facility.

11 (c) An owner may not abandon a registered cervidae livestock
12 facility without first notifying the board in compliance with the
13 standards established under this chapter.

14 (d) Except as provided in subsection (e), a person who violates
15 subsection (a), (b), or (c) commits:

16 (1) a Class B infraction; or

17 (2) a Class A infraction for each subsequent offense.

18 (e) A person who knowingly or intentionally violates subsection
19 (a), (b), or (c) commits a Class A misdemeanor.

20 Sec. 17. (a) A court may allow the board to recover reasonable
21 costs and attorney's fees incurred in a prosecution resulting in a
22 judgment or conviction for a violation of section 15 or 16 of this
23 chapter.

24 (b) Upon finding that a person has violated this chapter, the
25 board after an informal or administrative hearing or under a rule
26 may issue an order to do either of the following:

27 (1) Issue a warning.

28 (2) Impose an administrative fine of not more than one
29 thousand dollars (\$1,000) plus the costs of investigation for
30 each violation after notice and an opportunity for a hearing.

31 A person aggrieved by an administrative fine issued under
32 this section may request a hearing under IC 4-21.5.

33 (c) The board shall notify the attorney general of the failure of
34 any person to pay an administrative fine imposed under this
35 section. The attorney general shall bring a civil action in a court to
36 recover the fine. Civil penalties collected shall be paid to the
37 general fund.

38 (d) The board may bring an action to do either or both of the
39 following:

40 (1) Obtain a declaratory judgment that a method, an activity,
41 or a practice violates this chapter.

42 (2) Obtain an injunction against a person who engages in a

C
o
p
y



method, an activity, or a practice that violates this chapter.

(e) The remedies under this chapter are cumulative, and the use of one (1) remedy does not prohibit the use of another remedy.

Sec. 18. The board may adopt rules under IC 4-22-2 necessary to implement and enforce this chapter.

Sec. 19. (a) As used in this section, "commercial channel of trade" means any series of transactions leading directly from a final producer of an agricultural commodity to the purchase of the agricultural commodity by a processor.

(b) A fifteen dollar (\$15) fee shall be remitted to the board by the seller of every cervidae that is one (1) year of age or older. A five dollar (\$5) fee shall be remitted to the board by the seller of every cervidae that is less than one (1) year of age.

(c) The proceeds from the fees described in subsection (b) must be distributed in the following manner:

(1) Seventy five percent (75%) distributed to the board to be used to administer this chapter.

(2) Twenty percent (20%) distributed to the department for deposit in the livestock promotion fund to be used to promote cervidae and administer this chapter.

(3) To the department of natural resources, five percent (5%) to be deposited in the conservation officers fish and wildlife fund (IC 14-9-8-21).

(d) A final producer shall pay the fees described in subsection (b) when the final producer places the agricultural commodity in a commercial channel of trade.

Sec. 20. No provision of this chapter shall be construed to restrict the board's authority under IC 15-2.1.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The Indiana state board of animal health shall formulate proposed rules under IC 4-22-2 not later than September 1, 2005, with respect to the document described in IC 15-5-19-6, as added by this act, entitled "Operational Standards for Registered Privately Owned Cervidae Facilities".

(b) Before January 1, 2006, the board of animal health shall adopt rules under IC 4-22-2 to define cervidae harvesting methods and standards that are allowed under IC 15-5-19, as added by this act.

(c) This SECTION expires January 1, 2007.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1780, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 11, delete "hunting,".

Page 5, line 19, delete "department" and insert "office of the commissioner".

Page 5, delete lines 27 through 29.

Page 5, line 30, delete "(13)" and insert "(12)".

Page 5, line 30, delete "any" and insert "a".

Page 5, line 32, delete "animal." and insert "**animal, as adopted by the board.**".

Page 5, line 33, delete "(14)" and insert "(13)".

Page 5, line 35, delete "(15)" and insert "(14)".

Page 5, line 37, delete "(16)" and insert "(15)".

Page 5, line 40, delete "(17)" and insert "(16)".

Page 6, line 1, delete "(18)" and insert "(17)".

Page 6, line 6, delete "commissioner" and insert "**board**".

Page 6, line 26, delete "public." and insert "**public, subject to IC 15-2.1-24.**".

Page 6, line 28, delete "hunt,".

Page 7, line 5, delete "commissioner" and insert "**board**".

Page 7, line 17, delete "department" and insert "**board**".

Page 7, line 19, delete "the standards" and insert "**standards**".

Page 7, line 19, delete "contained in the "Operational Standards".

Page 7, delete line 20.

Page 7, line 21, delete "Michigan Department of Agriculture,".

Page 7, line 22, after "maintenance," insert "**modification,**".

Page 7, line 23, after "chapter." insert "**In addition, the board shall adopt standards with respect to facilities, records, recovery protocol for any animals that become released, oversight responsibilities, and reporting. These standards must be published in a document entitled "Operational Standards for Registered Privately Owned Cervidae Facilities", which the board shall make available electronically on the board's web site.**".

Page 7, line 23, delete "department after" and insert "**board, after**".

Page 7, line 24, delete "resources and the board" and insert "**resources,**".

Page 7, line 33, before "number" insert "**estimated**".

Page 7, line 36, delete "identification." and insert "**identification,**".

C
o
p
y



as required by the board."

Page 7, delete line 42.

Page 8, delete line 1 through 2.

Page 8, line 3, delete "(8)" and insert "(7)".

Page 8, line 5, delete "commissioner" and insert "**board**".

Page 8, line 6, delete "resources and the" and insert "**resources**".

Page 8, delete lines 7 through 14.

Page 8, line 19, delete "commissioner and the commissioner" and insert "**board and the board**".

Page 8, line 30, delete "identified." and insert "**identified, as required by the board**".

Page 8, line 32, delete "department" and insert "**board**".

Page 8, line 33, delete "The department" and insert "**The board**".

Page 8, line 33, delete "informal department" and insert "**informal board**".

Page 8, line 35, delete "department," and insert "**board, and**".

Page 8, line 35, delete "resources, and the" and insert "**resources**".

Page 8, line 36, delete "board, if applicable."

Page 8, line 36, delete "department" and insert "**board**".

Page 8, line 37, delete "commissioner" and insert "**board**".

Page 8, line 40, delete "commissioner" and insert "**board**".

Page 8, line 41, delete "department" and insert "**board**".

Page 9, line 2, delete "commissioner" and insert "**board**".

Page 9, line 5, delete "departmental" and insert "**board**".

Page 9, line 8, delete "department" and insert "**board**".

Page 9, line 10, delete "commissioner" and insert "**board**".

Page 9, line 11, delete "commissioner" and insert "**board**".

Page 9, line 15, delete "department" and insert "**board**".

Page 9, line 16, delete "department" and insert "**board**".

Page 9, line 18, delete "commissioner" and insert "**board**".

Page 9, line 20, delete "department" and insert "**board**".

Page 9, line 27, delete "department" and insert "**board**".

Page 9, line 32, delete "department review." and insert "**board review**".

Page 9, line 32, delete "The department " and insert "**The board**".

Page 9, line 33, delete "department" and insert "**board**".

Page 9, line 34, delete "department," and insert "**board, and**".

Page 9, line 35, delete "resources, and the board, if applicable." and insert "**resources**".

Page 9, line 36, delete "department" and insert "**board**".

Page 9, line 36, delete "commissioner" and insert "**board**".

Page 9, line 39, delete "commissioner" and insert "**board**".

C
o
p
y



Page 9, line 40, delete "department" and insert **"board"**.

Page 9, line 42, delete "commissioner" and insert **"board"**.

Page 10, line 4, delete "department" and insert **"board"**.

Page 10, line 10, delete "department" and insert **"board"**.

Page 10, line 21, delete "department" and insert **"board"**.

Page 10, line 23, delete "department" and insert **"board"**.

Page 10, line 26, delete "department shall maintain the following classifications" and insert **"board shall, subject to rules, charge five hundred dollars (\$500) for initial and renewal applications for the registration of cervidae facilities."**

Page 10, delete lines 27 through 32.

Page 10, line 33, delete "department" and insert **"board"**.

Page 10, line 39, delete "department of agriculture," and insert **"board,"**.

Page 10, line 40, delete "to be deposited in the livestock promotion fund".

Page 10, line 42, delete "natural resources, five percent (5%)" and insert **"agriculture, twenty percent (20%) to be deposited in the livestock promotion fund to be used to promote cervidae and administer this chapter."**

Page 11, delete lines 1 through 4.

Page 11, line 5, delete "(4)" and insert **"(3)"**.

Page 11, line 8, delete "department" and insert **"board"**.

Page 11, line 17, delete "department" and insert **"board"**.

Page 11, line 19, delete "department" and insert **"board"**.

Page 11, line 22, delete "department" and insert **"board"**.

Page 11, line 24, delete "department" and insert **"board"**.

Page 11, line 29, delete "classification." and insert **"classification or a dramatic change in the business plan. The board shall provide the modification application to the applicant and make the application form available on the board's web site."**

Page 11, delete lines 30 through 42.

Delete pages 12 through 14.

Page 15, delete line 1 through 9.

Page 15, line 10, delete "16." and insert **"10."**

Page 15, line 10, delete "commissioner" and insert **"board"**.

Page 15, line 15, delete "commissioner" and insert **"board"**.

Page 15, line 22, delete "commissioner shall enter into a memorandum of " and insert **"board is responsible for investigating violations of this chapter."**

Page 15, delete lines 23 through 27.

Page 15, line 28, delete "17." and insert **"11."**

C
o
p
y



Page 15, line 36, delete "18." and insert "**12.**".
 Page 15, line 36, delete "department or" and insert "**board or**".
 Page 15, line 36, delete "department shall" and insert "**board shall**".
 Page 16, line 1, delete "commissioner" and insert "**board**".
 Page 16, line 7, delete "department" and insert "**board**".
 Page 16, line 9, delete "19." and insert "**13.**".
 Page 16, line 10, delete "department, commissioner, or".
 Page 16, line 12, delete "commissioner's" and insert "**board's**".
 Page 16, line 14, delete "20." and insert "**14.**".
 Page 16, line 15, delete "department" and insert "**board**".
 Page 16, line 16, delete "if:" and insert "**if the applicant or registrant fails to comply with this chapter or orders issued by the board as a result of an administrative action or informal board review conducted under this chapter.**".
 Page 16, delete lines 17 through 27.
 Page 16, line 28, delete "departmental" and insert "**board**".
 Page 16, line 29, delete "department" and insert "**board**".
 Page 16, line 31, delete "21." and insert "**15.**".
 Page 16, line 31, delete "22" and insert "**16**".
 Page 16, line 34, delete "22." and insert "**16**".
 Page 16, line 40, delete "department" and insert "**board**".
 Page 17, line 3, delete "department" and insert "**board**".
 Page 17, line 10, delete "D felony." and insert "**B misdemeanor.**".
 Page 17, line 11, delete "23." and insert "**17.**".
 Page 17, line 11, delete "department" and insert "**board**".
 Page 17, line 13, delete "21" and insert "**15**".
 Page 17, line 14, delete "22" and insert "**16**".
 Page 17, line 16, delete "commissioner" and insert "**board**".
 Page 17, line 24, delete "commissioner" and insert "**board**".
 Page 17, line 29, delete "commissioner" and insert "**board**".
 Page 17, line 37, delete "24." and insert "**18.**".
 Page 17, line 37, delete "commissioner" and insert "**board**".
 Page 17, after line 38, begin a new paragraph and insert:
"Sec. 19. (a) As used in this section, "commercial channel of trade" means any series of transactions leading directly from a final producer of an agricultural commodity to the purchase of the agricultural commodity by a processor.
(b) A fifteen dollar (\$15) fee shall be remitted to the board by the seller of every cervidae that is one (1) year of age or older. A five dollar (\$5) fee shall be remitted to the board by the seller of every cervidae that is less than one (1) year of age.
(c) The proceeds from the fees described in subsection (b) must

C
O
P
Y



be distributed in the following manner:

(1) Seventy five percent (75%) distributed to the board to be used to administer this chapter.

(2) Twenty percent (20%) distributed to the department for deposit in the livestock promotion fund to be used to promote cervidae and administer this chapter.

(3) Five percent (5%) distributed to the commissioner to be used by Indiana Deer and Elk Farmers Association under IC 15-4-3.5 to promote and market cervidae.

(d) A final producer shall pay the fees described in subsection (b) when the final producer places the agricultural commodity in a commercial channel of trade.

Sec. 20. No provision of this chapter shall be construed to restrict the board's authority under IC 15-2.1.

SECTION 6. [EFFECTIVE UPON PASSAGE] The Indiana state board of animal health shall formulate proposed rules under IC 4-22-2 not later than September 1, 2005, with respect to the document described in IC 15-5-19-6, as added by this act, entitled "Operational Standards for Registered Privately Owned Cervidae Facilities".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1780 as introduced.)

GUTWEIN, Chair

Committee Vote: yeas 8, nays 2.

C
O
P
Y



HOUSE MOTION

Mr. Speaker: I move that House Bill 1780 be amended to read as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-22-38-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person who:

- (1) unlawfully takes or possesses a deer or wild turkey;
- (2) takes or possesses a deer or wild turkey by illegal methods or with illegal devices; or
- (3) **except as provided in subsection (c)**, sells, offers to sell, purchases, or offers to purchase a deer or wild turkey or a part of a deer or wild turkey;

shall reimburse the state five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, meat and products derived from deer may be sold to the general public."

Page 1, line 5, after "soybeans, or" insert "**privately owned**".

Page 1, line 8, strike "his" and insert "**the dean's**".

Page 1, line 14, strike "he" and insert "**the person**".

Page 1, line 15, strike "he" and insert "**the person**".

Page 1, line 17, strike "he" and insert "**the producer**".

Page 2, line 11, strike "he" and insert "**the director**".

Page 2, line 18, strike "he" and insert "**the director**".

Page 2, line 30, strike "he".

Page 2, line 31, strike "his" and insert "**the director's**".

Page 3, line 24, after "for" insert "**privately owned**".

Page 3, line 25, delete "fees and hunting preserve transportation tags".

Page 3, line 37, after "for" insert "**privately owned**".

Page 5, line 16, after "means" insert "**privately owned**".

Page 6, line 29, delete "department" and insert "**board**".

Page 7, delete lines 7 through 11, begin a new paragraph and insert:

"(d) A person who keeps one (1) or more deer and is not registered under this chapter must obtain a breeder's license issued under IC 14-22-20. A cervidae livestock operation may not also hold a breeder's license."

C
o
p
y



Page 8, line 2, delete "department." and insert "**board.**".
 Page 8, line 5, delete "department" and insert "**board**".
 Page 10, line 13, after "cervidae" insert "**livestock**".
 Page 11, line 26, delete "two" and insert "**one thousand five**".
 Page 11, line 27, delete "fifty dollars (\$250)" and insert "**dollars (\$1,500)**".
 Page 11, delete line 42.
 Page 12, delete line 1.
 Page 12, delete lines 16 through 18.
 Page 12, line 19, delete "(b)" and insert "**Sec. 16. (a)**".
 Page 12, line 24, delete "(c)" and insert "**(b)**".
 Page 12, line 26, delete "(d)" and insert "**(c)**".
 Page 12, line 29, delete "(e)" and insert "**(d)**".
 Page 12, line 29, delete "(f)," and insert "**(e),**".
 Page 12, line 30, delete "(b), (c), or (d)" and insert "**(a), (b), or (c)**".
 Page 12, line 33, delete "(f)" and insert "**(e)**".
 Page 12, line 34, delete "(b), (c), or (d)" and insert "**(a), (b), or (c)**".
 Page 14, line 2, after "PASSAGE]" insert "**(a)**".
 Page 14, after line 7, begin a new paragraph and insert:
"(b) Before January 1, 2006, the board of animal health shall adopt rules under IC 4-22-2 to define cervidae harvesting methods and standards that are allowed under IC 15-5-19, as added by this act.
(c) This SECTION expires January 1, 2007."
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1780 as printed February 25, 2005.)

FRIEND

**C
o
p
y**



HOUSE MOTION

Mr. Speaker: I move that House Bill 1780 be amended to read as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-22-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. A license issued under this chapter authorizes the sale of nonmigratory game birds, game mammals, or furbearing mammals for breeding purposes or for release and nonmigratory game birds **and white tailed deer** for food purposes. A person who:

(1) acquires a game bird, game mammal, or furbearing mammal alive, legally in open season; or

(2) purchases the bird or mammal from a licensed game breeder; may apply for a breeder's license within five (5) days after acquiring the animal from the licensed game breeder or within five (5) days after the last day of the open season for the animal. Otherwise, the animal shall be released."

Page 1, line 5, after "soybeans, or" insert "**privately owned**".

Page 1, line 8, strike "his" and insert "**the dean's**".

Page 1, line 14, strike "he" and insert "**the person**".

Page 1, line 15, strike "he" and insert "**the person**".

Page 1, line 17, strike "he" and insert "**the producer**".

Page 2, line 11, strike "he" and insert "**the director**".

Page 2, line 18, strike "he" and insert "**the director**".

Page 2, line 30, strike "he".

Page 2, line 31, strike "his" and insert "**the director's**".

Page 3, line 25, delete "fees and hunting preserve transportation tags".

Page 5, line 11, delete "harvesting" and insert "**humanely slaughtering in a manner that complies with 9 CFR Part 313, IC 15-2.1-24, and 345 IAC 9-1,**".

Page 6, line 12, delete "An owner harvesting privately owned cervidae from a".

Page 6, delete lines 13 through 14.

Page 6, line 15, delete "department of natural resources."

Page 6, line 24, delete "harvest," and insert "**humanely slaughter in a manner that complies with with 9 CFR Part 313, IC 15-2.1-24, and 345 IAC 9-1,**".

Page 7, delete lines 7 through 11 begin a new paragraph and insert:

"(d) **A person who maintains one (1) or more white tailed deer**

C
o
p
y



must obtain a breeder's license issued under IC 14-22-20."

Page 8, line 17, delete "eight (8)" and insert "**ten (10)**".

Page 10, delete lines 24 through 26, begin a new line block indented and insert:

"(3) To the department of natural resources, five percent (5%) to be deposited in the conservation officers fish and wildlife fund (IC 14-9-8-21)."

Page 11, delete line 42.

Page 12, delete line 1.

Page 12, line 34, delete "Class B" and insert "**Class A**".

Page 13, delete lines 36 through 38, begin a new line block indented, and insert:

"(3) To the department of natural resources, five percent (5%) to be deposited in the conservation officers fish and wildlife fund (IC 14-9-8-21)."

Page 14, line 2, after "PASSAGE]" insert "**(a)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1780 as printed February 25, 2005.)

YOUNT

**C
o
p
y**

